

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

GEORGE WEGERS, et al.,

Defendants.

CASE NO. CR05-231C

ORDER

On July 11, 2005, this Court held a hearing on Defendants Jimmie Garman, George Wegers, and Bernard Ortman's Motions for Review of Detention Orders (Dkt. Nos. 126, 158, 188). Pursuant to *United States v. Koenig*, 912 F.2d 1190 (9th Cir. 1990), the Court has conducted a *de novo* review of the facts and hereby finds and rules as follows:

Defendants are named in a twenty count Indictment brought against several individuals who are alleged to be leaders and/or members of the Bandidos organization. The Indictment alleges that the Bandidos organization is a criminal organization whose members and associates engaged in acts of violence, including kidnaping, assault, threats of violence, and extortion in the United States and elsewhere. The Bandidos organization is alleged to constitute a criminal enterprise as defined in Title 18 U.S.C. § 1959(b)(2).

1 *A. Jimmie Garman*

2 Defendant Garman has been indicted on one count of Conspiracy to Tamper with Witnesses. The
3 Government alleges that the act Defendant Garman committed was made in furtherance of a conspiracy
4 to intimidate a witness to an alleged assault by other members of the Bandidos organization. The
5 Government further contends that Defendant Garman is a National Sergeant-at-Arms for the Bandidos
6 organization and that, as such, he has authority to order retaliation against other members of the
7 organization. Additionally, during a search of Defendant Garman's residence, the Government recovered
8 over 30 guns, at least five of which were loaded.

9 The Court finds that Defendant Garman poses a danger to the community based on the nature of
10 the current charges, the presence of loaded weapons in his house, and the particular position of leadership
11 he holds in the Bandidos organization. Accordingly, the Court finds that there is no condition or
12 combination of conditions that will reasonably assure Defendant Garman's appearance at future Court
13 hearings while addressing the danger he poses to the community. Magistrate Judge Theiler's Detention
14 Order (Dkt. No. 126) is hereby AFFIRMED.

15 *B. George Wegers*

16 Defendant Wegers has been indicted on three counts: Conspiracy to Tamper with Witnesses,
17 Conspiracy to Traffic in Certain Motor Vehicle and Motor Vehicle Parts, and Trafficking in a Certain
18 Motor Vehicle. The Government alleges that Defendant Wegers is the National and International
19 President for the Bandidos organization. As such, Defendant Wegers has the authority to order
20 intimidation of witnesses and violence against others.

21 The Government reports that during a search of Defendant Wegers' residence, it recovered four
22 loaded firearms. Defendant notes that another individual has claimed that the weapons belong to him,
23 rather than to Defendant. Further, arresting agents report that they recovered approximately 34 knives
24 from Defendant Wegers' residence.

25 The Court finds that Defendant Wegers poses a risk of nonappearance based on his international

1 ties to the Bandidos organization and lack of verified background information. He also poses a danger to
2 the community based on the nature of the current charges, the presence of weapons in his residence, and
3 the particular position of leadership he holds in the Bandidos organization. Accordingly, the Court finds
4 that there is no condition or combination of conditions that will reasonably assure Defendant Wegers'
5 appearance at future Court hearings while addressing the danger Defendant poses to the community.
6 Magistrate Judge Theiler's Detention Order (Dkt. No. 158) is hereby AFFIRMED.

7 *C. Bernard Ortman*

8 Defendant Ortman has been indicted on one count of Violent Crime in Aid of Racketeering
9 (Kidnapping) and one count of Conspiracy to Tamper with Witnesses. The Government contends that
10 Defendant Ortman orchestrated the kidnaping of the victim of the offense which is the subject of the first
11 count of the Indictment, ordering two people to take the individual at gunpoint. Further, the Government
12 alleges that, since the Indictment was filed, Defendant Ortman has threatened physical assaults against
13 others.

14 The Government contends that Defendant Ortman is the President of the Missoula, Montana
15 Chapter of the Bandidos organization, yet Defendant states he no longer holds that position. The
16 Indictment alleges that in this position, Defendant Ortman reports directly to the National and
17 International President, occupies a position of significant authority and control over members of the
18 Missoula Chapter and a related support club, and is responsible for enforcing a club policy that no other
19 competing outlaw motorcycle club establish a presence or a chapter in Montana.

20 Additionally, the Government proffers that a quantity of methamphetamine was found in
21 Defendant Ortman's jacket in his home and argues that he is a heavy methamphetamine user. Defendant
22 states that the drugs did not belong to him and denies drug use. At the time of his arrest, agents
23 discovered four handguns in Defendant Ortman's possession, two of which were loaded. Defendant
24 states that he is in legal possession of the firearms.

25 The Court finds that Defendant Ortman poses a risk of nonappearance due to his alleged drug

1 use. Additionally, he poses a risk of danger to the community due to the nature of the pending charges,
2 possession of firearms, and alleged drug use. Accordingly, the Court finds that there is no condition or
3 combination of conditions that will reasonably assure Defendant Ortman's appearance at future Court
4 hearings while addressing the danger he poses to the community. Magistrate Judge Theiler's Detention
5 Order (Dkt. No. 188) is hereby AFFIRMED.

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7 SO ORDERED this 11th day of July, 2005.

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10 UNITED STATES DISTRICT JUDGE
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